

# Calendar No. 1617

86TH CONGRESS }  
2d Session }

SENATE }

REPORT  
No. 1554

## ANTHONY DI GIOVANNI

JUNE 13, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany S. 598]

The Committee on the Judiciary, to which was referred the bill (S. 598) for the relief of Anthony Di Giovanni, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to a conviction for a crime involving moral turpitude in behalf of the son of a citizen of the United States.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 36-year-old native and citizen of Italy, who presently owns and operates a farm there. He is married and has no children. His mother, who was born in the United States, returned to Italy with her father when she was 15 and was married in 1921. She lost her U.S. citizenship upon her marriage, but regained it in 1950 and returned to the United States in 1952. She presently resides with another son and two daughters who are lawful permanent residents. The beneficiary's father died in 1943. A petition filed by the beneficiary's mother under the Refugee Relief Act was approved in 1953, but he was found inadmissible because of a conviction for theft. Without the waiver provided for in the bill, he will be unable to join his mother, sisters and brother in the United States.

A letter, with attached memorandum, dated December 17, 1958, to

the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to S. 4251, which was a bill pending in the 85th Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D.C., December 17, 1958.*

A-11178217.

Hon. JAMES O. EASTLAND,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 4251) for the relief of Anthony Di Giovanni, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or acts which constitute the essential elements of such a crime. The bill also limits the exemption granted the beneficiary to a ground for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment. The bill would authorize the issuance of a visa and his admission to the United States for permanent residence, if he is otherwise admissible under that Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE ANTHONY DI GIOVANNI,  
BENEFICIARY OF S. 4251

Information concerning this case was obtained from Frances Di Giovanni, the mother of the beneficiary.

Anthony Di Giovanni, a native and citizen of Italy, was born on December 18, 1923. He owns and operates a small farm at Salaparuta, Italy. He completed 5 years of grade school which is equivalent to first year high school in this country. He has no special skill other than farming. His income is approximately \$600 per year. He was married on September 12, 1956. There are no children of this marriage. The beneficiary has never been in the United States. A petition submitted by his mother for the issuance of an immigrant visa under the Refugee Relief Act of 1953 was approved on February 10, 1953. He was refused an immigrant visa by the American consulate general at Palermo, Italy, because he had been convicted at Trapani, Italy, on April 25, 1949, for the crime of theft, receiving a sentence of 3 years imprisonment and a fine of 3,000 liras. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The beneficiary's mother was born in the United States. At the age of 15, following the death of her mother, she was taken to Italy by her father. She was married in Italy on June 18, 1921. Four children were born of this marriage. The beneficiary's father died in Italy on September 9, 1943. The mother lost her U.S. citizenship when she married an alien in Italy, but regained it by taking an oath of allegiance before an American consul in Palermo, Italy, on June 26, 1950. The mother returned to the United States on December 9, 1952, in possession of a U.S. passport. The beneficiary's brother and two sisters were admitted to the United States for permanent residence on February 7, 1956. His mother receives social security benefits in the amount of \$35.60 per month. She owns approximately \$200 worth of furniture. She has no bank account or other assets and is dependent on her three children for support. The mother keeps house for her three children.

Senator Hubert H. Humphrey, the author of the bill, has submitted the following information in connection with the case:

DEPARTMENT OF STATE,  
*Washington, April 3, 1958.*

HON. HUBERT H. HUMPHREY,  
*U.S. Senate.*

DEAR SENATOR HUMPHREY: I refer to your communication of March 20, 1958, which was acknowledged on March 26, transmitting the attached letter from Mrs. Frances Di Giovanni, of 511 Newton Avenue N., Minneapolis, Minn., concerning her desire to have her son, Mr. Anthony Di Giovanni, admitted into the United States from Italy.

The Department's records show that Mr. Di Giovanni was convicted by the tribunal of Trapani, Italy, for aggravated theft on April 25, 1948, under the provisions of articles 624 and 625 of the Italian Penal Code and was sentenced to 3 years imprisonment and a fine of 3,000 lire. As you know, section 212(a)(9) of the Immigration and Nationality Act renders excludable from the United States persons who have been convicted of or admit having committed a crime involving moral turpitude. Theft has been held to involve moral turpitude within the meaning of the provisions of law cited.

Section 4 of Public Law 770, 83d Congress, provides relief for certain aliens who have been refused visas under section 212(a)(9) of the Immigration and Nationality Act. However, since Mr. Di Giovanni was sentenced to a term of imprisonment of 3 years he would be unable to qualify for a visa under section 4 of Public Law 770 since the offense for which he was convicted would not be classifiable as a petty one within the meaning of section 1(3) of title 18 of the United States Code.

Sincerely yours,

JOSEPH S. HENDERSON,  
*Director, Visa Office.*

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
May 24, 1960.

Re S. 598, Anthony Di Giovanni.

Hon. JAMES O. EASTLAND,  
*Chairman, Senate Judiciary Committee,*  
*Washington, D.C.*

DEAR SENATOR EASTLAND: I would like to submit in support of the above bill, the enclosed three notes from the mother of the beneficiary, Mrs. Frances Di Giovanni. They are pathetic appeals of a widowed mother who is anxious to have her son come to the United States to be with her.

I shall be grateful for your early consideration of this bill, waiving the impediment in this case, and allowing the beneficiary to apply for a visa.

With many thanks.

Sincerely yours,

HUBERT H. HUMPHREY.

[Copy based on a letter]

MARCH 19, 1958.

Senator HUMPHREY.

MY DEAR FRIEND: Excuse me for writing you this letter.

I've got a son in Italy, and the American consul in Palermo doesn't want to let my son come here to America, for the following reason.

I sent my son to get some water and the same time a fellow called to my son, Anthony, and said to him: "Do you want to buy this grain?" My son answered, "Yes, but where did you get it?" The other one answered: "I stole it from my aunt," and my son said: "I don't want to buy it since you stole it." My son did not buy it and didn't bring it home. He left it standing where it was, and that is the story that keeps my son from me.

The consul said to my son, if Washington writes me and tells me that you can go to America, then I will let you go to your mother. So I pray you with all my heart to let my son come to me in America.

Thank you again with all my heart for letting him come.

This is my address: Frances Di Giovanni, 511 Newton Avenue North, Minneapolis, Minn.

This is my son's address: Antonio DiGiovanni fir Pietro, Via Oliveri Salaparuta, Prov. Trapani, Sicilia, Italy.

[Copy based on a letter]

MINNEAPOLIS, MINN., March 22, 1958.

Senator HUBERT H. HUMPHREY,  
*Washington, D.C.*

MY DEAR FRIEND: I don't like to bother you again. I am the mother of Antonio DiGiovanni, and I forgot to tell you that my husband died in the year 1943, and my son has been the father of my house, since that time when he was 20 years old.

I am 65 years of age and I would like to see my son again before I die. It is 5 years since I have seen my son. So I pray you with all my heart to let him come to me.

I thank you very much for your help in this. He is a very good fellow.

Yours truly,

FRANCES DiGIOVANNI.

[Copy based on a letter]

AUGUST 12, 1958.

MY DEAREST SENATOR HUMPHREY: I receive your good letter and I was very glad to hear that you are trying to let my son Anthony come to me.

I thank you with all my heart for the great favor you are doing for me and my son Anthony. I wish to see him before I die.

From your true friend,

FRANCES DiGIOVANNI.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 598) should be enacted.

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I think you can count on my help in this. It is a very good thing.  
Yours truly,  
J. B. S. Haldane

London, 10th November 1953

Dear Mr. Haldane,

I have just received your letter of the 10th and am glad to hear that you are interested in the work of the British Association for the Advancement of Science. I am sure that you will find the work of the Association very interesting and I hope that you will be able to attend the meeting in 1954.

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